

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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|--------------------------|---|---------------------|
| UNITED STATES OF AMERICA |) | |
| |) | |
| vs. |) | Criminal No. 10-185 |
| |) | |
| NEALE J. MISQUITTA, |) | |
| |) | |
| Defendant. |) | |

O R D E R

AND NOW, this 6th day of February, 2012, IT IS HEREBY ORDERED that the Court's December 8, 2011 Oral Order is amended as follows:

Defendant Neale J. Misquitta shall pay the sum of \$17,688.15 into the escrow account created pursuant to the Court's November 21, 2011 Order no later than February 13, 2012.

On or about November 28, 2011, Defendant deposited the sum of \$12,990.09 into the escrow account pursuant to this Court's Orders of May 3 and November 21, 2011. Such funds were to cover the estimated costs of the first stage of complying with certain aspects of subpoena requests served by Defendant on the alleged victims in this case, Key Environmental, Inc. and Field and Technical Services, LLC. On January 4, 2012, Key Environmental and Field and Technical Services informed the Court that they had actually expended \$8,689.40 in completing this first stage of complying with the requests and moved for the release of funds

from the escrow account in that amount. Accordingly, on January 5, 2012, the Court ordered that \$8,689.40 be paid to the alleged victims.

In the meantime, on December 8, 2011, the Court, after a hearing on the objections of the parties to the Report and Recommendation from Special Master David R. Cohen regarding remaining disclosure issues, ordered Defendant to pay into the escrow account an additional \$21,988.84 to cover the estimated costs of complying with additional aspects of the subpoena requests. Payment was to be made no later than January 31, 2012.

Defendant now seeks to have the amount due of \$21,988.84 offset by the balance of \$4,300.69 currently remaining in the escrow account after the release of funds reimbursing the alleged victims' actual costs for the first stage of compliance. Pursuant to a February 1, 2012 letter attached hereto as Exhibit A, Key Environmental and Field and Technical Services indicate that they have no objection to the remaining balance of \$4,300.69 being credited toward the payment currently due from Defendant.

Accordingly, the Court orders that the current balance of \$4,300.69 shall be credited toward the payment due pursuant to the Court's December 8 Order. Therefore, Defendant shall deposit the sum of \$17,688.15 into the escrow account by February 13, 2012, such deposit to comply with the Court's May 3 and November 21, 2011

Orders. In all other respects, the Court's December 8 Order shall remain in full force and effect.

s/Alan N. Bloch
United States District Judge

ecf: Counsel of record

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